

# Citation for Non-Compliance

**Utah Minerals Regulatory Program** 

1594 West North Temple, Salt Lake City, UT 84114

Citation #: MN-2010-17-12

**Permit Number:** M/049/0029

| OIL, GAS & MINING Phone: (801) 538-5340 Fax: (801) 359-3940  |                   | Date Issued: 10/21/2010                        |  |
|--|-------------------|--|--|
| NOTICE OF VIOLATION CESSAT   | TION ORDER        | (CO) [   | FAILURE TO ABATE CO  |
| Permittee Name: Interstate Brick Company   | Inspector II      | Inspector ID and Number: Lynn Kunzler          |  |
| Mine Name: Allred Mine   | Date of Insp      | ection:  | October 20, 2010   |
| Certified Return Receipt Number: 7004-2510-0004-1824-722   | Date and Ti       | me of Service:                                 | 10/21/2010 03:10 pm  |
| Nature of condition, practice, or violation:   |                   |  |  |
| Failure to maintain public safety by mining in such a n  | nanner that is c  | ausing slope                                   | /highwall failure.   |
| Provisions of Act, regulations, or permit violated:  |                   |  |  |
| R647-4-107.1   |                   |  |  |
| For Cessation Orders and Failure to Abate CO's, check appropria  | ate box(es) below |  |  |
| This order requires Cessation of ALL  Or  This order requires Cessation of POR   |                   |  | ng activities.   |
| Mining activities to be ceased immediately:  |                   |  |  |
| Condition, practice, or violation is creating an imminent danger to health or safety of the public.  |                   | nittee/Operator i                              | is/has been conducting mining<br>Permit.                         |
| Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources. | Citat             | ion #  | to abate Violation included in within time for                   |
| Abatement/corrective action(s) required (for all Citation  |                   | ement originally                               | fixed or subsequently extended.  Abatement Times (if applicable) |
| Sign the area as 'unstable mining area, Unauthorized individuals keep out'     Stabilize the slope failure with standard engineering practices.                |                   | 1. By November 1, 2010 2. By November 30, 2010 |  |
| John Hewett  | Lynn Kun          | zler   |  |
| Permittee Representative (Print)  DOGM Representative (Print)  |                   |  |  |
|  | 1 Ky              | (  | 10/21/2010   |
| Permittee Representative's Signature Date  | DOGM Represent    | ative's Signature                              | Date   |
| SEE REVERSE SIDE Of This Form For Instructions And Additional Information  |                   |  |  |

#### IMPORTANT - READ CAREFULLY

Pursuant to the Utah Mined Land Reclamation Act, Utah Code Ann. § 40-8-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Citation in the form of a Notice of Violation or Cessation Order must be issued.

This Citation shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

#### 1. PENALTIES.

Assessment. For each violation included in this Citation, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

**Proposed assessment.** DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the citation and proposed fine, please submit that to DOGM within 15 days of the date this citation is served on you or your agent. Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, within 30 days of the issuance of this citation. See Utah Admin. Code R647-7-105 et. seq.

The penalty will become final unless you or your agent file, within 30 days of receipt of the proposed assessment, a written request for an informal conference before an assigned conference officer.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be issued a Failure to Abate Cessation Order requiring cessation of mining operations on the portion of the operations relevant to the violation, and you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement.

#### 2. STOP WORK CONFERENCE.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this citation requires cessation of mining. If this citation requires cessation of mining, expressly or in practical effect, you may request that a stop work conference be held at or near the mine site. If you wish such a conference to be held, send your request to:

Administrative Secretary Associate Director of Mining 1594 West North Temple, Suite 1210 PO Box 145801 Salt Lake City, Utah 84114-5801

See Utah Admin. Code R647-6-102.4 et seq. Once a stop work conference is scheduled, you will be notified of the date, time, and location of the conference. You must request the stop work conference within 30 day after service of this cessation order. The conference will be held within 5 days of your request.

### 3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this citation to the Board of Oil, Gas, and Mining by submitting: a) a petition for hearing to the Board within 30 days of receipt of this notice, order or proposed assessment; and b) an amount equal to the proposed, reassessed or affirmed penalty to the Division. See Utah Admin. Code R647-7-107 et. Seq. Please submit the application for hearing to:

Secretary Board of Oil, Gas, and Mining 1594 West North Temple, Suite 1210 PO Box 145801 Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for "*temporary relief*" from this citation. Procedures for obtaining a formal board hearing are contained in the Board's Rules of Practice and Procedure and in Utah Admin. Code R647-5 et. seq.

## 4. INDIVIDUAL CIVIL PENALTIES.

An additional Individual Civil Penalty of up to \$5,000 per day may be assessed against a corporate director, officer or agent who knowingly and willfully authorizes, ordered or carried out a violation or who fails or refuses to comply with an order. For further information, consult Utah Code Ann. § 40-8-9 through 40-8-9.1 and Utah Admin. Code R647-6 through R647-8 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.